Literary Cabinet.

Si non tantus fructus perciperetur ex his studiis, quantum percipi constat, sed ex his delectatio sola peteretur; tamen hæc animi remissio judicanda esset libero homine dignissima. CICERO.

VOL. I.] YALE COLLEGE, SATURDAY, DEC. 13, 1806. [No. 3.

CONDITIONS.

I. THIS Paper will be under the direction of Editors, chosen from the Senior Class.

II. It will be published once a fortnight, on a half sheet, in the octavo form.

III. Its price will be *One Dollar* per annum—*Fifty Cents* to be paid in advance.

On the Profession of Law.

No. II.

IT is not immaterial here to add, that Judges are every where considered in the sacred volume, as officers of the first importance. So true is this, that the word *judge* is very often made the generic name, under which all rulers are included. Moses was expressly commanded to appoint *able* men, such as feared God, men of *truth*, *hating covetousness*, who should *judge* the people at *all* seasons; and this was done at the first organization of the Israelitish government, almost immediately after the Twelve Tribes had escaped from the persecution of their enemies. The passage referred to is a plain proof that government is a Divine institution, and that Courts are an indispensable branch of it; for surely a people can never less in need of the regular administration of justice, than when migrating through a wilderness, without commerce, or any fixed possessions. Yet, though such was the state of the Israelites, Judges were even then necessary. The person, who reads his Bible, will also recollect, that the Supreme Being attributes to himself the title of a *Judge of the widows*, an illustrious honour conferred on this dignified employment.

It cannot be improper here to mention, what I apprehend will be found invariably true, that in all countries where civilization has extended its salutary influence, where commerce has flourished, or the liberty of the subject been regarded, Lawyers have always obtained the honour of sitting in the higher courts. In Great Britain, a nation sacred to the

name of civil justice, it would not be thought more incongruous to put the Chancellor of an University at the head of the Navy, than to elevate a man upon the Bench, who had not been a long and distinguished attendant at the Bar. Whence comes this common consent of mankind, and especially of those who are most interested in having good Courts, unless from the supposition, that Lawyers are best qualified for the discharge of these high and responsible offices?

But the very nature of the case sufficiently proves the same truth, even if we had no experience in the matter. I suppose it will not be contended that men are born judges, or will ever become oracular by intuition. The only alternative is, therefore, that they must acquire knowledge by study and observation. That study is requisite, any man will be convinced, who considers how very voluminous a lawyer's library is; and this, though it contain no books but those which are every day cited as authorities, and according to the doctrines contained in which important causes are constantly determined. Perhaps it will be said, that these books are useless; but I leave this objection to be considered in another place, taking it for granted, at present, that they are necessary. Indeed the Law can probably boast a greater exemption from trash, than any other science. As the case now is, there are inducements enough to this study. A desire of influence, and fame, the love of property and a state of independence, and what is a more constant spur to action than any thing else, a necessity of gaining a subsistence, all conspire to engage the lawyer in vigorous application. Take away the motives peculiar to a practising attorney, and no man would study the laws to purpose.—It may be said, that the hope of promotion to the bench, without any other motive, would be sufficient. Indeed! I hardly know which *most to admire* in our future Judges, their patience or their modesty; their patience, in spending the prime and vigour of their lives, and that too in despite of the allurements of interest, and the peremptory demands of necessity, in qualifying themselves, by laborious study, for an office which they expect to fill some twenty years hence, an office, the emoluments of which are barely sufficient for immediate need: or their modesty, in supposing themselves fit for so weighty a trust, a supposition to which they must give great credit, or they would not venture so much upon it. And they must have strong faith, too, in the sagacity of those who are to appoint judges, as well as in the durability of public honours. But should they study ever so faithfully, they would never examine subjects like practising law-

yers. The confidence reposed in a man by his client, the danger apprehended from a skiiful opponent, and the desire of victory, form an aggregate motive, which gives zeal to enquiry, and acuteness to examination, and adds wings to industry, in a manner and to a degree, for which no substitute could be found.

As to the other methods of obtaining knowledge by observation, and experience, it is obvious that no man is in so good a situation to profit by them as a lawyer. Educated, and practised, in examining witnesses, in eliciting truth from circumstances, in detecting fraud, in bringing and sustaining actions, he makes these duties a necessary part of his ordinary train of thinking, and performs them with the facility observed in artists who practise that which it has been the labour of their lives to learn. Hence we may venture to assert, that without this preparatory course, there is no good method of forming a Judge adequate to the discharge even of the formal part of his high official duties.

But we do not want only to obtain good Judges: to keep them so, is also a matter worthy of sttention. Such is the deplorable state of human nature, that men in every situation must be guarded; and the road to corruption ought to be stopped up by every possible impediment. The good man is thus preserved in his integrity, and him whom nobler motives cannot effect, will be deterred from an abuse of his power, by the fear of detection. Lawyers have always been a guard upon courts. Wherever there has been an able and intelligent Bar, negligence, indolence, partiality, and bribery, have been exiled from the Bench. How can it be otherwise? Will any man listen a moment to temptation, will he hold a parley with infamy, will he ever be inattentive to his character, when he knows himself to be surrounded by numbers, who are perfectly acquainted with every subject on which he adjudicates? And when some of his audience, every time he pronounces judgment, are prompted by powerful motives to weigh every word he utters, to examine his reasons, and, if possible, to prove them fallacious? But admit no lawyers into courts of justice, and the judges, encircled by a throng of ignorant and prejudiced suitors, would have every conceivable opportunity to pervert their office. If a complaint was made, who should discriminate between the clamors of oppression defeated, or fraud detected, and the cries of afflicted innocence? Besides, how could those, who are ignorant of law, judge of the correctness of a legal decision? The fact is, all would be darkness and confusion; and the law would become a system of legerdemain more

diabolical than has ever been fabled by its most violent adversaries.

COKE.

[*To be continued.*]

FOR THE LITERARY CABINET.

MESSRS. EDITORS,

You are requested to publish the following Communication, if you think the novelty of its subject promises to interest your readers; and its importance, to screen it from their contempt.

Human Prescience.

AS I was perusing the "enigmatical list of ladies" in your first number, I suddenly *recollected* to have seen it before. I had a perfect *recollectioa*, also, of having seen it in the "Literary Cabinet;"—while sitting in the same chair that I then occupied, and in the posture which I happened then to assume. In thort, *every thing at that moment present to my mind, I was perfectly conscious, had been present before.* But it is absolutely certain, that the "list of Ladies" had never met my eye; that the "Literary Cabinet" had never been in my hand; that the scene around me had never before, with all its attnndant circumstances, been presented to my view.

These are *facts*, Messrs. Editors, for which I am unable to account.

I have often had a similar remembrance of what never occurred. Enquiry has been made of others with a view to determine, whether such *false recollections* are peculiar to the writer. All give their answers doubtingly:—none positively affirming, or denying, the experience of similar operations of the mind. They have appeared to be halfpersuaded, that something of the kind has happened to them; but, for want of accurate attention to what passed in their minds, they were unable to speak on the subject with absolute decision. The only direct and positive evidence, which I have met with, of the occurrence of such recollections in the minds of others, is in the "Female Spectator." The passage that contains it I have taken the liberty to transcribe. It will be seen, that the writer supposes us, at times, presented with a view of something future; that the images instantly fade away; and are not revived, till the events foreseen occur:—when *we are surprised at the recollection of having witnessed them before.*

"There is something in us," says the writer, "which neither nurse nor priest could "be able to inspire us with; "a something which we have "not at command, either to "serve us when we most stand "in need of it, or to chide "from us, though we should "ever so much attempt to do "it; it flashes upon us when "we are not aware of it; it is "with us, and it is gone, in "the same instant; like lightning, sudden, strong, and "no sooner found than lost."

"What I mean are those "starts of prescience which I

"never met any one yet that "denied he had experienced "in a more or less degree.— "At the time when we are "most relaxed from thought "and busy cares, perhaps "laughing with our friends "over a cheerful bowl, a ray "of this divine attribute shall "shoot upon us, and tell us "that such or such a thing will "happen; but then it is fleet- "ing, transient, and vanish- "es in the same instant that "it came, and we know not "that we ever had it till the "event it had foreshewn ar- "rives; *then it returns to me- "mory, and seems to reproach "the little regard paid to it.*"

"It would be in vain to as- "sert that all this is no more "than the result of former "thoughts, which, when un- "called, recoil upon us; be- "cause *these flashes of fore- "knowledge are frequently on "affairs we never thought up- "on, nor had the least concern "in: yet sometime after, when "we hear of them, we shall re- "member that we had warning "of them.*"*

If these acts of the mind which I have described are properly termed *recollections*, we must necessarily infer from their existence, either, that man has at times the faculty of foreseeing future events, (whether a natural, or supernatural faculty, will be considered hereafter,) or, that he is deceived, by supposing himself to remember *all* the circumstances then occurring, and combined as they then are; while, in truth, he remembers only a *part*, and those once connected with far different events.

That there is no deception like that which the latter inference supposes, the writer has, in his own case, the certainty of intuition:—a certainty which admits not of degrees, and which scepticism cannot weaken or impair.

In confirmation of the former inference, we may advert to the fact, that men, in all nations, have laid claim to a spirit of prophecy; that their pretensions have ever been allowed:——Jews, Egyptians, Greeks, Romans, have been prophets. In the Highlands of Scotland, we find, in modern times, the existence of what is termed the *Second Light:* which, in some of its circumstances, resembles the faculty of which I have been speaking. Dr. Johnson gives the following account of it:— "By this faculty things distant or *future* are perceived, and seen as if they were present. This faculty is neither voluntary nor constant. The appearances have no dependence upon choice: they cannot be summoned, detained, or recalled. The foresight of the seers is not always prescience; *they are impressed with images, of which the event only shews them the meaning.*"

I propose to make, in a subsequent number, some additional remarks. In the mean

* Female Spectator, vol. 2.

time, would your readers communicate to the public, through the medium of the "Cabinet," such facts as may be within their knowledge, much knew, and perhaps valuable information, may be acquired on this obscure and highly interesting subject.

SPINOZA.

Popular thoughts on the Art of Printing.

EUSEBIUS desires Vacerra to specify the benefits, which mankind have derived from the Art of Printing. To which Vacerra replies: I have never turned my attention to this subject, with an immediate reference to its precise advantages; yet I will mention a few of the most prominent, which may serve as the representatives of those, which remain.

I would first mention the more easy promulgation of works of taste. And here, Novels claim the most distinguished rank. What can be more extatic, than to read of an inamorato, attending upon the object of his affections; enraptured with her charms?—How does he watch her every action? If she smile, he is transported. If she frown, he expires. Ineffable delight!—thus to attend one, whom we adore; to catch a glance from her sparkling eyes; to hear mellifluous words flowing from her celestial lips; to swear she is fairer than the fairest; that her hair surpasses ringlets of gold; that her eyes are diamonds; and that her cheeks possess all the shades of the rose. In fine, every feature is celestial, and communicates exquisite delight to her admirer.

Reverse the scene. The little angel answers her lover's protestations, by swooning into his arms. Does not this sight captivate your soul, and make you a votary to love? If it do not, you are insensible to the pleasing raptures of the mind, and cannot taste its exquisite felicities. Read of a Mortimer and his Amanda: Read Sir Charles Grandison and Cecilia, and say, Do not these soul-enrapturing books delight you?

To enumerate all the excellences of Novels would require more time than I can, at present, devote to that purpose. Permit me, therefore, to pass from Novels to Ball-tickets. How vastly superior are these, to what they must have been, had the art of printing never been discovered.—They must, at best, have been written: a pitiful method, indeed. Now they are decorated with every ornament, which can possiblyadorn them. What is most of all delightful, *my* name usually stands at the bottom. Think of this, Eusebius. Think of your name, presented to all the young ladies of fashion. Think of their thoughts when they receive the ticket. It is a delightful card, say they. How charmingly adorned! and

what adds alustre to thewhole, Vacerra is a manager. With how much ease and elegance does he lead us to the floor; and then he dances so delightfully, that she must have an adamantine heart, who is not enraptured with him. I am transported at the thought.—Did your cold heart ever feel a flame, like this? What! be admired by the ladies; and yet be insensible to it! No, it cannot be.

How should we ever hear of the sports of England, or the more refined pleasures of France? Instead of the newest fashions from France, we should be found to invent them for ourselves.

Are not gambling-cards an argument in my favour? When old time moves slowly; when dreadful meditation forces itself upon us; *nothing is so effectual an antidote, as a game at whist.*

Eusebius enquires; to what is the extent of civilization to be attributed? to what, the improvements in the arts and sciences? to what, the spread of the gospel? Are not these advantages superior to those, which you have mentioned?

To a mind, like yours, answers Vacerra, they may appe a r so; but, in my opinion, they are feathers in the scale. Go, philosopher, and enjoy your own opinion. I have neither time, nor inclination to contend with you. Besides, you always overpower me with a torrent of words, which silence, but do not convince me.

TO CORRESPONDENTS.

THE ESSAYIST is necessarily postponed. Hearafter it will appear regularly, in every paper.

Several gross errors crept into the last number, which circumstances rendered unavoidable.

Our Correspondents are requested to write their compositions in a fair hand, for the convenience of the Printer, and to pay attention to punctuation and the use of capital letters.

We have received several translations from Virgil and Horace, but cannot admit them, because those authors are too well known to be interesting Would the writer of such pieces translate from Poets, who are less generally known, as Lucretius, Statius, Claudian or Ausonius, they would confer a favour on us. We should be also pleased with translations from the Minor Greek Poets, or from the best modern writers of Latin verse.

INQUIRER is under consideration.

The Poets are requested to contribute their Evergreens to dress out our Bower in this dreary season.

The request of Candidus cannot be complied with.

WE have omitted to mention hitherto, that those subscribers who do not live in this city, must pay the whole subscription money *in advance.*

Several Newspapers have arrived at the Post-office, directed to the "Cabinet." But we must inform their Editors that it would be inconvenient for us to exchange.

Some persons have very politely offered to undertake the agency of the Cabinet in different towns. We thank them for their kindness, but as yet can return no satisfactory answer to their offers. Probably, however, we shall soon arrange our business so as to be glad to accept of them.

On account of an unforeseen failure of matter this week, we are compelled to extract one or two pieces to fill up our paper. We did intend that none but *original* pieces should appear in the Cabinet, and shall take care that, in future, this intention be not frustrated.

The Bower.

.....Sometimes
We bid bright Fiction to resemble Truth,
And sometimes speak what Truth herself approves.

HES. THEOG.

ANACREONTIC.

'TWAS in the festive month of May,
When nature smiles, and all is gay,
When love and friendship warms the heart,
And sympathetic joys impart:—
I wander'd through the forest shades,
Where Dryads fear no opening glades.
A voice unknown soon met my ear,
"Oh, stranger, pause and hear my prayer!"
I turn'd, a beauteous boy I view'd,
His rosy cheeks with tears bedew'd:
His bleeding breast, and eye so wild,
Bespake misfortune's fav'rite child.
"I am that boy" with tears he said,
"Whom Gods and mortals join to dread:
This morn, by vengeful Paphia sent,
To EMMA's house my steps I bent;
In sleep's embrace the maid I saw,
And straight my bow began to draw,
When lo! she woke—in vain I strove
To pierce her with the shaft of love:
Her eye of dew with scorn was bright,
My arm was nerveless at the sight;
She smil'd contempt, then snatch'd my dart,
And plung'd it in my flutt'ring heart.
Then stay, O stay, and ease my pain,
Restore to Cupid strength again;
And I to man will grant his prayer,
For I no more the maid will spare.

ALBERT.

AD LESBIAM.

Armipotens, Cypris et Juno si rursus inirent
Certamen propter munera sæva Deæ;
Astares et eis Virgo decorare rubescens
Quam Charites gaudent, arbiter essem et ego:
Continuo aversæ trepidus tibi præmia darem
Nec præter risum et sauaviolum peterem.

EPIGRAMMA.

(SELECTED.)

HOHENLINDEN.

BY THOMAS CAMPBELL, ESQ.

Author of the "Pleasures of Hope."

ON Linden when the sun was low,
All bloodless lay th' untrodden snow,
And dark as winter was the flow
Of Yfer, rolling rapidly.

But Linden shew'd another sight,
When the drum beat at dead of night,
Commanding fires of death to light
The darkness of the scenery.

By torch and trumpet first array'd,
Each horseman drew his battle blade,
And furious every charger neigh'd
To join the dreadful revelry.

Then shook the hills, by thunder riven,
Then rush'd the steed, to battle driven,
And, volleying like the bolt of heaven,
Far flash'd her red artillery.

And redder yet these fires shall glow
On Linden's hills of purple snow,
And bloodier still shall be the flow
Of Yfer, rolling rapidly.

This morn—yet scarce yon lucid sun
Can pierce the war-clouds, rolling dun,
Whilst furious Frank, and fiery Hun
Shout in their sulph'rous canopy.

The combat deepens—On, ye brave,
Who rush to glory, or the grave:
Wave, Munich, all thy banners wave,
And charge with all your chivalry.

O! few shall part where many meet;
The snow shall be your winding sheet;
And every turf beneath your feet
Shall be a soldier's sepulchre.

IMPROMPTU,

On seeing a flake of snow fall on a lady's breast.

THE envious flake came down in haste,
To prove thy breast less fair;
But griev'd to see itself surpass'd,
And melted to a tear.

Printed for the Editors, by O. Steele & Co. at the Herald Office, New-Haven.